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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/281,042	03/30/1999	SEIKI AGURO	TIJ-26495	6678

23494 7590 05/31/2002

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EXAMINER

JONES, HUGH M

ART UNIT	PAPER NUMBER
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2123

DATE MAILED: 05/31/2002

20

Please find below and/or attached an Office communication concerning this application or proceeding.



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Below is a communication from the *EXAMINER* in charge of this application
COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

☒ THE PERIOD FOR REPLY:

- a) ☐ will expire _____ months from the date of the final Office action (including extensions of time granted).
- b) ☐ expires either (1) three months from the mail date of the final Office action, or (2) on the mail date of this Advisory Action, whichever is later. In no event, however, will the statutory period for reply expire later than six months from the mail date of the final Office action.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above.

- ☐ Appellant's Brief is due in accordance with 37 CFR 1.192(a).
- ☒ Applicant's reply to the final rejection, filed 6/18/01 has been considered with the following effect, but it is not deemed to place the application in condition for allowance.

1. ☐ The proposed amendment to the claim and/or specifications will not be entered and the final rejection stands because:

- a. ☐ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
- b. ☐ They raise new issues that would require further consideration and/or search. (See Note).
- c. ☐ They raise the issue of new matter. (See Note).
- d. ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- e. ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE:

2. ☐ Newly proposed or amended claim _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.
3. ☒ Upon the filing an appeal, the proposed amendment ☒ will be entered ☐ will not be entered and the status of the claims will be as follows:

Claim allowed: _____

Claims objected to: _____

Claims rejected: 4-21

However;

- ☐ Applicant's reply has overcome the following rejection(s): _____

4. ☒ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because see enclosed

5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.

☐ Other _____

Applicant may obtain further examination by filing a request for an application under 37 CFR 1.53(d) (CFA).

DR. HUGH M. JONES
PATENT EXAMINER
ART UNIT 2123

Best Available Copy

Art Unit: 2123

DETAILED ACTION

1. This advisory action is in response to Applicants arguments that a marked-up copy (paper # 17) of the amended claims (paper # 14) was submitted to the office with the Notice of Appeal (paper # 16), received 11/19/2002. Applicants are correct. The marked-up copy has been reviewed and paper # 14 has now been entered.

2. The Examiner has carefully reviewed paper # 14. Applicant's arguments are not persuasive. As indicated in paper # 15,

- Applicant's allegations that the Examiner's arguments are "self-contradictory" are not accepted;

- allegations regarding the Examiner's purported "beliefs" are not accepted.

- Arguments relating to the 112 and prior art rejections are not persuasive;

- allegations regarding purported "admittance" by the Examiner relating to "cited but not used prior art" are not accepted;

- the Examiner has reviewed the indicated portions of the specification (as indicated by Applicants in response to the 112(1)) and maintains the 112(1) rejections;

- all issues have been adequately addressed in paper # 11.

3. **Any inquiry concerning this communication or earlier communications from the examiner should be:**

directed to:

Art Unit: 2123

Dr. Hugh Jones telephone number (703) 305-0023, Monday-Thursday 0830 to 0700 ET, *or* the examiner's supervisor, Kevin Teska, telephone number (703) 305-9704. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, telephone number (703) 305-3900.

mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231


or faxed to:

(703) 308-9051 (for formal communications intended for entry)

or (703) 308-1396 (for informal or draft communications, please label "*PROPOSED*" or "*DRAFT*").

Dr. Hugh Jones

May 29, 2002


DR. HUGH M. JONES
PATENT EXAMINER
APT UNIT 2123